



October 24, 2007

Superintendent
Board of Education
Educational Services
Business Services
Curriculum & Instructional Services
Personnel Services
Student Services

Ext. 142/Fax 757-5323
Ext. 140/Fax 757-5323
Ext. 144/Fax 757-5323
Ext. 122/Fax 757-5319
Ext. 150/Fax 757-5423
Ext. 106/Fax 757-5422
Ext. 116/Fax 757-5416

526 B Street • Davis, CA 95616 • 530-757-5300 • www.djUSD.k12.ca.us

Davis Joint Unified School District David J. Murphy • Superintendent

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Submitted via ECFS

WAIVER REQUEST

CC Docket Nos. 96-45 and 02-6

Appellant Name: Sharon Swifka, Division Assistant, Business Services, DJUSD

Applicant Name: Tara Salaices, Department Secretary, DJUSD

BEN: 144544

USAC Application No. 587275

Funding Year 2007, Form 471 Postmarked Outside of Window Letter

Applicant's USAC Form Identifier: TAS E10A

Dear Ms. Dortch:

Davis Joint Unified School District (hereinafter "the District") respectfully submits this waiver request and appeal of the Universal Service Administration Company's decision to deny the District's Form 471 e-rate application which would have provided a Year 10 rate reduction for the District.

The pertinent facts are as follows: Before the expiration of the February 8, 2007 filing deadline, Tara Salaices, a District employee, attempted to file the District's Form 471 application online, not realizing the District would need a PIN for online certification. Ms. Salaices immediately contacted USAC to obtain the necessary PIN, but was told that the PIN could only be sent by U.S. Mail. Rather than continuing to wait for the PIN to arrive, the District sent its application to USAC by certified mail on February 15, 2007. USAC subsequently denied the District's application, stating: "Your Form 471 application was postmarked on 02/15/2007, which is AFTER the 2007-2008 filing window closed at 11:59 p.m. EST on Thursday, February 8, 2007. Program rules require us to hold your application pending final review of those applications that were filed within the filing window. . .".

On August 16, 2007 the District faxed a timely appeal to USAC requesting that it reconsider its denial of the District's Form 471 application. In a letter dated August 27, 2007, USAC indicated that FCC Rules do not permit USAC to consider requests for waivers, but that such a request should be made by appeal directly to the FCC.

DJUSD made a good faith attempt to submit its Form 471 application before the USAC deadline. The District has received funding for the nine years prior to the current one. The District now stands to lose in excess of \$31,200.00 in discounted telecommunications services. At a time when school districts nationwide are having budget problems, denying the District's application simply due to a deadline that was missed by five business days would be extremely unfortunate and certainly inconsistent with the intent of the e-rate program for schools and libraries.

Respectfully submitted,

Sharon A. Swifka
Division Assistant, Business Services
Davis Joint Unified School District
(530) 757-5300 X122 /Fax (530) 757-5319
sswifka@djUSD.k12.ca.us



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2007-2008

August 27, 2007

Sharon A. Swifka
Davis Joint Unified School District
526 B Street
Davis, CA 95616

Re: Applicant Name: DAVIS JOINT UNIFIED SD
Billed Entity Number: 144544
Form 471 Application Number: 587275
Funding Request Number(s): 1630030, 1630031, 1630032
Your Correspondence Dated: August 16, 2007

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2007 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

07 SEP - 6 AM 11:29
DAVIS JT UN. SCH. DIST
BUSINESS SERVICES



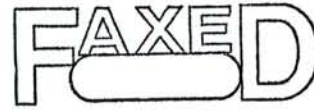
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Davis Joint Unified School District David J. Murphy • Superintendent

August 16, 2007



Letter of Appeal
Schools and Libraries Division – Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

Submitted by Fax (to fax no. 973-599-6542)

APPEAL

Appellant Name: Sharon Swifka, Division Assistant, Business Services, DJUSD

Applicant Name: Tara Salaices, Department Secretary, DJUSD

BEN: 144544

Application Number: 587275

Funding Year 2007, Form 471 Postmarked Outside of Window Letter

Applicant's Form Identifier: TAS E10A

To Whom It May Concern:

I respectfully submit for your review this appeal of the attached denial by the Universal Service Administrative Company (hereafter referred to as "USAC") of the Davis Joint Unified School District's Form 471 application, specifically, the text of that denial, which reads in part: "Your Form 471 application was postmarked on 02/15/2007, which is AFTER the 2007-2008 filing window closed at 11:59 p.m. EST on Thursday, February 8, 2007. Program rules require us to hold your application pending final review of those applications that were filed within the filing window. . .".

The Davis Joint Unified School District (hereafter referred to as "DJUSD") provided the information requested by USAC in Form 471; DJUSD submitted Form 471 online, however could not locate a PIN for online certification. DJUSD immediately contacted USAC to obtain a PIN, but was told that the PIN could only be sent to DJUSD by U.S. Mail. Rather than continuing to wait for the PIN to arrive, DJUSD sent its form to USAC by certified mail on February 15, 2007.

DJUSD stands to lose in excess of 31,200. in discounted telecommunications services in the event that this appeal is not granted and our e-rate application is not funded for Year 10. At a time when school districts nationwide are having budget problems, denying this appeal and our request simply due to a deadline that was missed by five business days would be extremely unfortunate and certainly inconsistent with the intent of the e-rate program for schools and libraries.

Respectfully submitted,

Sharon A. Swifka
Division Assistant, Business Services
Davis Joint Unified School District
(530) 757-5300 X122
sswifka@djUSD.k12.ca.us



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2007 FORM 471
POSTMARKED OUTSIDE OF WINDOW

June 29, 2007

TARA SALAICES
DAVIS JOINT UNIFIED SD
526 B STREET
DAVIS, CA 95616-3811

Re: Applicant's Form Identifier: TAS E10A
Form 471 Application Number: 587275

Dear TARA SALAICES:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/15/2007, which is AFTER the 2007-2008 filing window closed at 11:59 p.m. EST on Thursday, February 8, 2007.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal a decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number 587275 as assigned by USAC,
 - "Funding Year 2007 Form 471 Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please

provide a copy of your appeal to the applicant(s) affected by USAC's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

TRANSMISSION VERIFICATION REPORT

TIME : 08/16/2007 13:58
NAME :
FAX :
TEL :
SER.# : BROA4J219693

DATE, TIME	08/16 13:56
FAX NO./NAME	919735996542
DURATION	00:01:09
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM